

DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CHEN, JIA
CHEN, JIA

As a below named inventor, I hereby declare that my residence, post office address and citizenship as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BACTERIAL DELIVERY SYSTEM** the specification of which ☒ is attached hereto

☐ was filed on _____ at U.S. Application No. _____

☐ was filed as PCT International Application No. PCT/_____ on _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) _____ Priority claimed ☐ yes ☐ no

(Number)	(Country)	(Day/Month/Year Filed)
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I hereby claim the benefit under Title 35, United States Code, Section 120 or 119(a) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56 which becomes available between the filing date of the prior application and the national or PCT international filing date of this application.

Continental Application 05022312	September 6, 1995	_____
(Application Number)	(Filing Date)	(Status- patented, pending, abandoned)
Continental Application 05022302	May 21, 1995	_____
(Application Number)	(Filing Date)	(Status- patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office concerned therewith: John P. Moran, Reg. No. 26312 and Anthony T. Lane, Reg. No. 12324

Address all telephone calls to John T. Moran at Intelecon no. (301) 619-2065
Address all correspondence to U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA JOHN MORAN
Fort Detrick, Frederick, Maryland 21702-5012

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Arthur A. Bunting
Inventor's signature Arthur A. Bunting Date 9/3/96
Residence 202 Cedar Lane, Rockville, MD 20851 Citizenship U.S.A.
Post Office address 202 Cedar Lane, Rockville, MD 20851

Full name of inventor (given name, family name) Donald E. Bunting
Inventor's signature Donald E. Bunting Date Sept 3, 1996
Residence 10006 Rockville Road, #201, Gaithersburg, MD 20878 Citizenship U.S.A.
Post Office address 10006 Rockville Road, #201, Gaithersburg, MD 20878

Full name of inventor (given name, family name) Jan M.C. Sedell
Inventor's signature _____ Date _____
Residence 1622 Kalma Road N.W., Washington, D.C. 20012 Citizenship U.S.A.
Post Office address 1622 Kalma Road N.W., Washington, D.C. 20012

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☐ was filed on _____ as U.S. Application No. _____

☐ was filed as PCT International Application No. PCT/_____ on _____ (if applicable), and was extended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate filed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority claimed

☐ yes ☐ no

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 or 119(c) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Provisional Application 60/003 718	September 6, 1995	Pending
(Application Number)	(Filing Date)	(Status- patented, pending, abandoned)
Provisional Application 60/016 026	May 21, 1996	Pending
(Application Number)	(Filing Date)	(Status- patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John F. Moran, Reg. No. 26313 and Anthony T. Lane, Reg. No. 19,966

Address all telephone calls to John F. Moran at telephone no. (301) 618-2065

Address all correspondence to U.S. Army Medical Research and Materiel Command

ATTN: MCMR-JA (JOHN MORAN)

Fort Detrick, Frederick, Maryland 21722-5012

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Arthur A. Branton
 Inventor's signature _____ Date _____
 Residence 209 Cedar Lane, Rockville MD 20851 Citizenship U.S.A.
 Post Office address 209 Cedar Lane, Rockville MD 20851

Full name of inventor (given name, family name) Donald R. Sizemore
 Inventor's signature _____ Date _____
 Residence 10006 Sandwick Road #301, Gaithersburg MD 20879 Citizenship U.S.A.
 Post Office address 10006 Sandwick Road #301, Gaithersburg MD 20879

Full name of inventor (given name, family name) David C. Kadosh
 Inventor's signature _____ Date 9/6/96
 Residence 1522 Kalnia Road, N.W., Washington, D.C. 20012 Citizenship U.S.A.
 Post Office address 1522 Kalnia Road, N.W., Washington, D.C. 20012

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Atty. Docket No.
182.0001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BRANSTROM et al

Continuing Application
To Ser. No.: 08/711,961
filed Sept. 6, 1996 and
CPA filed July 8, 1999

Prior Examiner: Railey, J.

Filed: Concurrently

Prior Group Art Unit 1636

For: BACTERIAL DELIVERY SYSTEM

DECLARATION OF MAURICE U. CAHN

I declare, under penalty of perjury, that the following is within my personal knowledge and is true and correct:

1. My name is Maurice U. Cahn. I am over the age of twenty-one years, and am competent to make this Declaration.
2. I am one of the attorneys representing the Applicants Branstrom et al. As such, I am personally familiar with the Explanation under 37 CFR 1.608(b) and the materials referred to as Exhibits in that paper. Those papers are either obtained from the public records of the United States Patent and Trademark Office (Exhibits 1-3), in the records of the United States Patent and Trademark Office (Exhibit 4), publically available publication (Exhibit 6) and the files of the Applicants (Exhibits 5, and 7-9). This Declaration is being filed in order to authenticate copies of such documents.

3. The following Exhibits attached to this Declaration are true and correct copies of the following documents:

- | | | |
|-----------|---|---|
| Exhibit 1 | - | Powell et al US 5,877,159 issued March 2, 1999; |
| Exhibit 2 | - | Branstrom et al US 5,877,159 US Patent 5,824,538 issued October 20, 1998; |

Exhibit 3 - Restriction Requirement dated October 6, 1996 in Serial No. 08/523,855;

Exhibit 4 - Declaration under Rule 131, by Donata Sizemore filed in pending application Serial No. 08/711,961;

Exhibit 5 - Manuscript sent to *Science* on June 7, 1996;

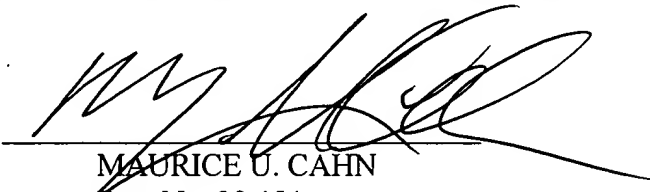
Exhibit 6 - October 13, 1995 *Science* article of the Applicants;

Exhibit 7 - Redacted copy June/July 1995 WRAIR (Walter Reed Army Institute of Research) Invention Disclosure, 6 pages and Cover page Summary;

Exhibit 8 - Redacted Research Notebook Pages of Dr. Donata Sizemore;

Exhibit 9 - Redacted Research Notebook Pages of Dr. Arthur Branstrom;

Dated: February 25, 2000


MAURICE U. CAHN
Reg. No. 30,454
Attorney for Applicants